

Stanley Chao
Law Offices of Stanley Chao
28 North First Street, Suite 400
San Jose, California 95113
Telephone: (408)297-2297
Facsimile: (408)297-6956

Attorney for Plaintiffs
YANG, Kuan How
YANG, Jui Ning

FILED

2007 JUN -1 P 3:18

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S. J.

E-FILING

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Kuan How Yang
Jui Ning Yang

Plaintiffs,

v.

Michael Chertoff, Secretary of the Department
of Homeland Security;
Emilio T. Gonzalez, Director of U.S. Citizenship
and Immigration Services;
Christina Poulos, Director of California Service
Center, U.S. Citizenship and Immigration Services
Services,
Robert S. Mueller, III, Director of Federal Bureau
of Investigation

Defendants.

C07

02870

HRL

CIVIL ACTION FILE NO.

PLAINTIFF'S ORIGINAL COMPLAINT
FOR WRIT IN THE NATURE
MANDAMUS & DECLARATORY JUDGEMENT

COME NOW THE PLAINTIFFS, Kuan How Yang and Jui Ning Yang in the above-

captioned matter, and hereby states as follows.

1. This action is brought against the Defendants to compel action on the clearly delayed processing of the I-485 Applications filed by the Plaintiffs, Kuan How Yang and Jui Ning Yang. The applications were filed and remain within the jurisdiction of the Defendants, who have improperly delayed processing the applications to Plaintiffs' detriment.

PARTIES

2. Plaintiffs, Kuan How Yang and Jui Ning Yang, reside at 682 High Glen Drive, San Jose, CA 95133, are the applicants of two I-485, Application to Adjust to Permanent Resident Status, filed with the USCIS on December 09, 1997 and June 28, 2001 respectively.

3. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security ("DHS"), and this action is brought against him in his official capacity. He is generally charged with enforcement of the INA, and is further authorized to delegate such powers and authority to subordinate employees of the DHS. 8 U.S.C. §1103(a); 8 C.F.R. §2.1.

4. Defendant Emilio T. Gonzalez is the Director of the United States Citizenship and Immigration Services ("USCIS"), an agency within the DHS to whom the Secretary's authority has in part been delegated and is subject to the Secretary's supervision. Defendant Director is generally charged with the overall administration of benefits and immigration services. 8 C.F.R. §100.2(a); 8 C.F.R. §103.1(b).

5. Defendant Christina Poulos, Director of California Service Center, is an official of the USCIS generally charged with supervisory authority over all operations of the USCIS California Service Center with certain specific exceptions not relevant here. 8 C.F.R. §100.2(d); 8 C.F.R. §103.1(b). As will be shown, Defendant Director is the official with whom Plaintiffs' I-485 applications remain pending.

1 6. Defendant Robert S. Mueller, III, is the Director of the Federal Bureau of Investigations
2 ("FBI"), the law enforcement agency that conducts security clearances for other U.S.
3 government agencies, such as the Department of State. As will be shown, Defendant has failed
4 to complete the security clearances on Plaintiffs' cases.

5
6 **JURISDICTION**

7
8 7. Jurisdiction in this case is proper under 28 U.S.C. §1331 and §1361, 5 U.S.C. §701 *et*
9 *seq.*, and 28 U.S.C. §2201 *et seq.* Relief is requested pursuant to said statutes.

10 **VENUE**

11
12 8. Venue is proper in this court, pursuant to 28 U.S.C. §1391(e), in that this is an action
13 against officers and agencies of the United States in their official capacities, brought in the
14 District where Plaintiffs reside.

15
16 **EXHAUSTION OF REMEDIES**

17
18 9. Plaintiffs have exhausted their administrative remedies. Plaintiffs have supplied the
19 USCIS documents that clearly establish their eligibility to Adjust to Permanent Resident Status.

20 **CAUSE OF ACTION**

21
22 10. Plaintiffs Kuan How Yang and Jui Ning Yang properly filed their I-485, Application to
23 Adjust to Permanent Resident Status, with the USCIS on December 09, 1997 and June 28, 2001
24 respectively based on an approved I-526 of the Principal. Despite the fact that the Principal's I-
25 485 application has been approved on June 07, 2004 (Exhibit 1), Plaintiffs' I-485 applications
26 remain un-adjudicated.
27
28

11. During the course of their I-485 application, Plaintiff Kuan How Yang had his biometrics taken with the USCIS three times so far on December 29, 2004, October 27, 2005 and October 03, 2006 (Exhibit 2) and Plaintiff Jui Ning Yang had her biometrics taken with the USCIS three times so far on January 31, 2002, January 15, 2004 and March 30, 2005 (Exhibit 3).

12. Plaintiff Kuan How Yang checked the status of his case with the USCIS California Service Center via facsimile on March 11, 1999 and the Center replied on March 16, 1999 claiming his case is still pending (Exhibit 4).

13. Plaintiff Kuan How Yang then inquired the status of his case with the USCIS via email on July 18, 2005. On July 19, 2005, the office verified Plaintiff that his case is still pending for the reason of awaiting his name check result from the FBI (Exhibit 5).

14. Plaintiff, Kuan How Yang, again, inquired the status of his case with the USCIS via email on January 17, 2006, the USCIS informed him that his application is still pending for the completion of Background security/name checks (Exhibit 6).

15. Plaintiff, Jui Ning Yang also made inquiries about her case status with USCIS via email on June 24, 2005 and January 17, 2006. USCIS replied Plaintiff that her case is still pending due to awaiting name check result from the FBI (Exhibit 7).

16. Defendants have sufficient information to determine Plaintiffs' eligibility pursuant to applicable requirements and complete the processing procedures.

17. Defendants' delay in those cases is, as a matter of law, arbitrary and not in accordance with the law. Defendants willfully, and unreasonably, have inappropriately refused to adjudicate the applications, thereby depriving them of the rights to which Plaintiffs are entitled.

18. Plaintiffs have been greatly damaged by the failure of Defendants to act in accord with their duties under the law. Specifically, Plaintiffs have been unable to obtain legal permanent residence, travel and work without restriction and accrue time to be eligible for Naturalization as a citizen of the United States.

19. Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. §701 *et seq.*, are unlawfully withholding action on the Plaintiffs' applications and have failed to carry out the adjudicative functions delegated to them by law with regard to Plaintiffs' cases.

20. Plaintiffs had provided sufficient evidence of their attempt to secure adjudication of their applications at issue, all to no avail. Accordingly, Plaintiffs had been forced to retain the services of their attorney to pursue the instant action.

PRAYER

21. WHEREFORE, in view of the arguments and authority noted herein, Plaintiffs respectfully pray that the Defendants be cited to appear herein and that, upon due consideration, the Court enter an order:

- (a) requiring Defendants to properly adjudicate Plaintiffs' applications for action on an approved petition;
- (b) requiring Defendants to provide Plaintiffs with a Notice of Decision;
- (c) awarding Plaintiffs reasonable attorney's fees pursuant to the Equal Access to Justice Act; and
- (d) granting such other relief at law and in equity as justice may require.

Dated: May 30, 2007

Respectfully submitted,

Stanley Chao
Attorney for Plaintiff

LIST OF ATTACHMENTS

Exhibit	Description
1.	CIS's I-485 Receipt Notice of Plaintiffs and I-485 Approval notice of the Principal
2.	Three Fingerprint Notifications for Plaintiff Kuan How Yang
3	Three Fingerprint Notifications for Plaintiff Jui Ning Yang
4.	Plaintiff Kuan How Yang's inquiry on 03/11/1999 & CIS's response on 03/16/1999
5.	Plaintiff Kuan How Yang's inquiry on 07/18/2005 & CIS's response on 07/19/2005
6.	Plaintiff Kuan How Yang's inquiry 01/17/2006 & CIS's response on 01/19/2006
7.	Plaintiff Jui Ning Yang's inquiries on 06/24/2005 and 01/17/2006 & CIS's response on 06/27/2005 and 01/19/2006

Exhibit 1



RECEIPT NUMBER WAG-98-049-53847		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE December 9, 1997	PRIORITY DATE	APPLICANT A75 491 913 YANG, KUAN HOW
NOTICE DATE December 11, 1997	PAGE 1 of 1	
STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE CA 95113		Notice Type: Receipt Notice Amount received: \$ 130.00 Section: Derivative adjustment

The above application or petition has been received. It usually takes 120 to 150 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect. Our customer service phone number is listed below.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number below to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111

LAGUNA NIGUEL CA 92607-0111

Customer Service Telephone: (714) 360-2769



DEFERRED ADJUSTMENT OF STATUS

RECEIPT NUMBER WAC-01-264-59462		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE June 28, 2001	PRIORITY DATE	APPLICANT A79 527 897 YANG, JUI NING
NOTICE DATE August 23, 2001	PAGE 1 of 1	
STANLEY CHAO LAW OFFICES OF STANLEY CHAO RE: JUI NING YANG 28 N FIRST ST STE 400 SAN JOSE CA 95113		Notice Type: Receipt Notice Amount received: \$ 245.00 Section: Derivative adjustment

The above application or petition has been received. It usually takes 975 to 999 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (949) 831 8427 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

If you have access to the Internet, you can also visit the INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (949) 831 8427





RECEIPT NUMBER WAC-98-049-53789		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIPT DATE December 10, 1997	PRIORITY DATE December 6, 2000	APPLICANT A75 491 912 YANG FONG, MEI LI
NOTICE DATE June 7, 2004	PAGE 1 of 1	
STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE CA 95113		Notice Type: Approval Notice Section: Adjustment as direct beneficiary of immigrant petition COA: E37

Your application for permanent resident status has been approved. Please take this notice, your Arrival/Departure Record, Form I-94, your passport, and two ADIT style color photos meeting the specifications listed below, to the local INS office listed below to have your fingerprint and signature taken on Form I-89, and otherwise complete processing for your Alien Registration Card. The address of your local INS office is:

U.S. Department of Justice, INS, 1887 Monterey Road, San Jose, CA 95112

Monday: 07:30am - 11:00am
Tuesday: 07:30am - 11:00am
Wednesday: 07:30am - 11:00am
Thursday: 07:30am - 11:00am

Please direct your questions to the office listed here. You may appear at the above office on the days and times specified.

PHOTO SPECIFICATIONS: The 2 ADIT-style color photographs should be taken within the 30 days before you go to the local INS office for processing. The photographs must:

- have a white background, be unmounted, be printed on thin paper, be glossy and unretouched;

- show a three-quarter frontal profile of the right side of your face, with your right ear visible and with your head bare (unless you are wearing a headdress as required by a religious order to which you belong);

- are no longer than 2x2 inches, with the distance from the top of the head to just below the chin about 1 - 1-1/4 inches.

Lightly print your name and A# from this notice, on the back of each photo with a pencil.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER
P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



Exhibit 2

Fingerprint NotificationNOTICE DATE
12/15/2004

CASE TYPE

I485 Application to Register Permanent Resident or Adjust Status

SOCIAL SECURITY NUMBER

USCIS A#

A075491913

APPLICATION NUMBER

wac9804953847

CODE

1

SERVICE CENTER

WSC

PAGE

1 of 1

APPLICANT NAME AND MAILING ADDRESS

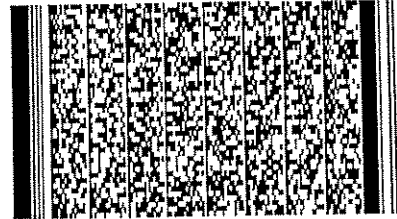
KUAN-HOW YANG

c/o STANLEY CHAO

LAW OFFICE OF STANLEY CHAO

28 N FIRST ST SUITE 400

SAN JOSE, CA 95113-



Your fingerprint card on file with the U. S. Citizenship & Immigration Services (USCIS) has expired. In order for USCIS to continue processing your application, it will be necessary to have your fingerprints re-taken. This will be completed at no additional expense to you. **PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.** If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.

APPLICATION SUPPORT CENTER

DATE AND TIME OF APPOINTMENT

USCIS SAN JOSE

122 CHARCOT AVE.

SAN JOSE, CA 95131

12/29/2004

8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.**REQUEST FOR RESCHEDULING**Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

If you have any questions regarding this notice, please call 1-800-375-5283.

APPLICANT COPY

APPLICATION NUMBER
wac9804953847**WARNING!**

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.
If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.



ASC Appointment Notice

NOTICE DATE
09/22/2005

CASE TYPE

I485 Application to Register Permanent Resident or Adjust Status

SOCIAL SECURITY NUMBER

USCIS A#

A075491913

APPLICATION NUMBER

WAC9804953847

CODE

2

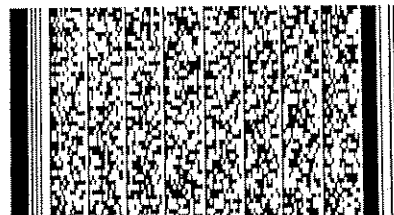
SERVICE CENTER

WSC

PAGE

1 of 1

KUAN HOW YANG
c/o STANLEY CHAO
LAW OFFICE OF STANLEY CHAO
28 N FIRST ST STE 400
SAN JOSE, CA 95113-



Your fingerprint card on file with the U. S. Citizenship & Immigration Services (USCIS) has expired. In order for USCIS to continue processing your application, it will be necessary to have your fingerprints re-taken. This will be completed at no additional expense to you.

PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.

If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.

RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW AND FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

DATE AND TIME OF APPOINTMENT

10/27/2005

8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE** and
2. **PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible.

Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

USCIS SAN JOSE
122 CHARCOT AVE.
SAN JOSE, CA 95131

APPLICATION NUMBER 1

I485 - WAC9804953847



If you have any questions regarding this notice, please call 1-800-375-5283.

WARNING!

Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.

If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.



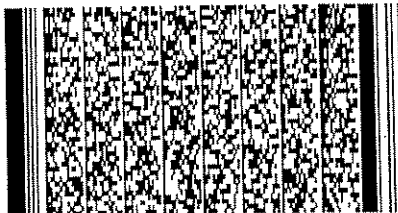

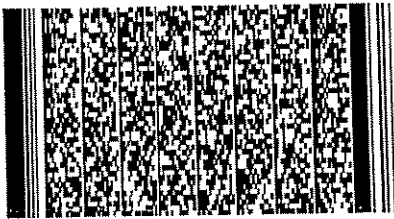
ASC Appointment Notice		APPLICATION NUMBER WAC9804953847	NOTICE DATE 9/19/2006
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	USCIS A# A075491913	CODE 1
	TCR	SERVICE CENTER WSC	PAGE 1 of 1
KUAN HOW YANG c/o STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE, CA 95113			
<p>To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your biometrics.</p> <p>PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.</p> <p>IF YOU FAIL TO APPEAR AS SCHEDULED, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.</p>			
APPLICATION SUPPORT CENTER USCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131		DATE AND TIME OF APPOINTMENT 10/03/2006 1:00 PM	
<p>WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:</p> <p>1. THIS APPOINTMENT NOTICE and</p> <p>2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.</p>			
<p align="center">REQUEST FOR RESCHEDULING</p> <p>Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon</p> <p>U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Make a copy of this notice for your records, then mail the original with your request to USCIS SAN JOSE, 122 CHARCOT AVE., SAN JOSE, CA 95131</p>			
<p>APPLICATION NUMBER 1 I485 - WAC9804953847</p> <p></p> <p>If you have any questions regarding this notice, please call 1-800-375-5283.</p>			
<p align="center">WARNING!</p> <p><i>Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the biometrics worksheet should accompany you.</i></p> <p><i>If you have open wounds or bandages/casts when you appear, the USCIS may reschedule your appointment if it is determined your injuries will interfere with taking your biometrics.</i></p>			

Exhibit 3

Form I-797C (Rev. 09/07/93)N

Fingerprint Notification		NOTICE DATE 12/18/2003
CASE TYPE I485 Application to Register Permanent Resident or Adjust Status	SOCIAL SECURITY NUMBER	INS A# A079527897
APPLICATION NUMBER	SERVICE CENTER WSC	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS JUI-NING YANG c/o STANLEY CHAO 28 N FIRST ST STE 400 SAN JOSE, CA 95113		
Your fingerprint card (FD-258) on file with the Immigration & Naturalization Service (INS) has expired. In order for the INS to continue processing your application, it will be necessary to have your fingerprints re-taken. This will be completed at no additional expense to you. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.		
APPLICATION SUPPORT CENTER		DATE AND TIME OF APPOINTMENT
BCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131		01/15/2004 8:00 AM
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you may not be fingerprinted.		
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.		
REQUEST FOR RESCHEDULING Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon INS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to: BCIS SAN JOSE 122 CHARCOT AVE. SAN JOSE, CA 95131 If you have any questions regarding this notice, please call 1-800-375-5283.		
APPLICATION NUMBER		APPLICANT COPY
WARNING! Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you. If you have open wounds or bandages/casts when you appear, the INS may reschedule your appointment if it is determined your injuries will interfere with fingerprinting.		

**Fingerprint Notification**NOTICE DATE
03/17/2005

CASE TYPE

I485 Application to Register Permanent Resident or Adjust Status

SOCIAL SECURITY NUMBER

USCIS A#

A079527897

APPLICATION NUMBER

WAC0126459462

CODE

3

SERVICE CENTER

WSC

PAGE

1 of 1

APPLICANT NAME AND MAILING ADDRESS

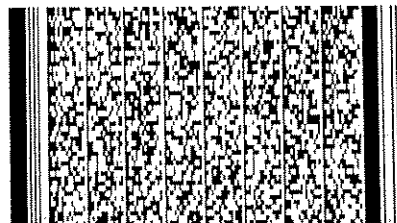
JUI NING YANG

c/o STANLEY CHAO

LAW OFFICE OF STANLEY CHAO

28 N FIRST ST STE 400

SAN JOSE, CA 95113-



To process your application, the U. S. Citizenship & Immigration Services (USCIS) must capture your Biometrics.

PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED.

If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below.

RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW AND FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

USCIS SAN JOSE

122 CHARCOT AVE.

SAN JOSE, CA 95131

DATE AND TIME OF APPOINTMENT

03/30/2005

8:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR BIOMETRICS TAKEN, YOU MUST BRING:

1. **THIS APPOINTMENT NOTICE AND ANY RECEIPT NOTICES ASSOCIATED WITH YOUR APPLICATION.**
2. **PHOTO IDENTIFICATION:** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, your biometrics may not be taken.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.**REQUEST FOR RESCHEDULING**Please reschedule my appointment for the next available: ☐ Wednesday afternoon ☐ Saturday afternoon

U. S. Citizenship & Immigration Services (USCIS) cannot guarantee the day preferred, but will do so to the extent possible.

Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

USCIS SAN JOSE

122 CHARCOT AVE.

SAN JOSE, CA 95131

If you have any questions regarding this notice, please call 1-800-375-5283.

APPLICANT COPY

APPLICATION NUMBER

WAC0126459462

**WARNING!***Due to limited seating availability in our lobby area, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.*

Exhibit 4

CSC INQUIRY FORM

(DO NOT ATTACH OTHER PAGES)

03/11/99

(SIGNATURE OF ATTORNEY/APPLICANT REQUIRED)

DATE _____

Return Mail Label:

Respond to: Law Offices of Stanley Chao

Address: 28 North First St., #400
San Jose, CA 95113
Attn: Rowena

This Is the: X 1st Inquiry

BPL: (949) 360-2877

FPL: (949) 360-2879

RPL: (949) 360-2878

2nd Inquiry

(949) 360-2881

3rd Inquiry

(949) 643-1538

CASE WAC# WAC-98-049-53789 **"A"** A75 491 912

TYPE OF CASE: (Please indicate petition form number) I-485 (AOS)

Petitioner: _____ **Beneficiary:** _____

Identify Principal applicant if different from above:

Name: FONG, Mei-Li

WAC#: WAC-98-049-53789

(For I-485 Cases, Provide The Following:)

Name: FONG, Mei-Li

Country of Birth: Myanmar

WAC #: WAC-98-049-53789

"A" Number (if known): A75 491 912

Visa Category: Investor

Priority Date: 07/07/97

I-140 Petition Approval Receipt # (WAC): WAC-97-191-50874

COMMENTS: (Include any family member's cases)

Dependent: YANG, Kuan-How; WAG-98-049-53847; A75 491 913

Both applications are outside the normal processing time (120 to 150 days from December 9, 1997 on I-485 Receipt Notices). Please kindly inform us the current status.

INS RESPONSE**INS RESPONSE**INS RESPONSE

In response to your fax inquiry, please note the item(s) checked below:

The application/petition is not outside the normal processing time

The application/petition has been transferred from CSC to the

The application/petition was approved on _____ and a notice was mailed.

If you wish a duplicate approval notice please file Form I-824

Processing for this application/petition is now an additional _____ weeks.

The application/petition was denied on _____ and a decision was mailed.

Other

COMMENTS:



U.S. DEPARTMENT OF JUSTICE
Immigration and Naturalization Service
California Service Center
P.O. Box 30111
Laguna Niguel, CA 92607-0111

Law offices of Stanley Chao

28 N. 1st street #400
San Jose, CA 95113

Date:

3/16/99

A# 75 491912
75 491 913

WAC# 98-049-53789
98-049-53847

The following is provided in response to your inquiry.

1. ☐ APPROVED - Your application/petition was approved on _____.
2. ☐ PENDING - Your application petition is still pending.
3. ☐ DENIED - Your application petition was denied on _____.
4. ☐ DUPLICATE APPROVAL NOTICE - Form I-824 is used to request a duplicate approval notice. The fee is \$30.
5. ☐ UNABLE TO LOCATE - With the information furnished, we were unable to locate a record of your application/petition. Please submit a copy (front and back) of the related canceled check, or copy of the fee receipt.
6. ☐ EVIDENCE REQUESTED - Initial or additional evidence was requested on _____ No response to the request has been received as of this date.
7. ☐ LANGUAGE - All correspondence received at the California Service Center must be in English or accompanied by an English translation. Your previous correspondence is being returned.
8. ☐ OTHER OFFICE - Please contact the Immigration office indicated on the attachment.
9. ☐ REPRESENTATIVE - Form G-28 from the attorney or representative of the applicant/petition is not on file. Therefore we are unable to respond. We must have an original G-28 on file.
10. ☐ CARD MAILED - Your card was mailed to you on _____, and has not been returned undeliverable. If you have not received it, you may need to file a new application with fee.
11. ☒ OTHER - Your cases are pending - we are currently
processing applications filed on 01/03/97

CSC 7433

Exhibit 5

FROM: "485, CSC XII " <CSC-XII.485@dhs.gov>
DATE: Tue, 19 Jul 2005 16:31:00 -0400
TO: "\"RowenaK \" " <RowenaK@stanleychao.com>
SUBJECT: Re:Status I-485 (WAC-98-049-53847)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the Names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. In the future we will not be addressing weekly inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated. We apologize for any and all inconvenience this may cause.

Thank You
James A Williams
Center Adjudication's Officer
Div XII, California Service Center

Reply Separator

Subject: Status I-485 (WAC-98-049-53847)
Author: "RowenaK " <SMTP:RowenaK@stanleychao.com>
Date: 7/18/05 12:56 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-98-049-53847 (A75 491 913)
Form type: I-485
Name of Applicant: YANG, Kuan-How

The I-485 application for the principal applicant (YANG FONG, Mei-Li; WAC-98-049-53789; A75 491 912) has been approved on June 7, 2004. However,

the
above-mentioned I-485 (for derivative child) remains pending to date.

We would appreciate it if the Service could kindly inform us of the current
status of this application.

Thank you very much for your assistance.

Exhibit 6

Rowena Kwong

From: 485, CSC XII [CSC-XII.485@dhs.gov]
Sent: Thursday, January 19, 2006 8:00 AM
To: "Rowena Kwong"
Subject: Re:Status I-485 (WAC-98-049-53847)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated.

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Status I-485 (WAC-98-049-53847)
Author: "Rowena Kwong" <SMTP:rowenak@stanleychao.com>
Date: 01/17/2006 8:38 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-98-049-53847 (A75 491 913)
Form type: I-485
Name of Applicant: YANG, Kuan-How (Derivative)

The I-485 application for the principal applicant (YANG FONG, Mei-Li; WAC-98-049-53789; A75 491 912) has been approved on June 7, 2004. However, the above-mentioned I-485 (for derivative child) remains pending to date.

We would appreciate it if the Service could kindly inform us of the current status of this application.

Thank you very much for your assistance.

Exhibit 7

Rowena Kwong

From: 485, CSC XII [CSC-XII.485@dhs.gov]
Sent: Thursday, January 19, 2006 7:59 AM
To: "Rowena Kwong"
Subject: Re:Status I-485 (WAC-01-264-59462)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. USCIS also does not have dates as to when the names were originally sent to the FBI, we can only confirm that they in fact were sent. Please allow 120 days before additional inquiries. Please Note: If the principal is not adjudicated then the derivatives will NOT be adjudicated.

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Status I-485 (WAC-01-264-59462)
Author: "Rowena Kwong" <SMTP:rowenak@stanleychao.com>
Date: 1/17/2006 8:12 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-01-264-59462 (A79 527 897)
Form type: I-485
Name of Applicant: YANG, Jui-Ning (Derivative)

The I-485 application for the principal has been approved on June 7, 2004. However, the above-mentioned I-485 (for derivative child) remains pending to date. Therefore, we would appreciate it if the Service could kindly inform us of the current status of this application.

Thank you very much for your assistance.

FROM: "485, CSC XII " <CSC-XII.485@dhs.gov>
DATE: Mon, 27 Jun 2005 16:30:00 -0400
TO: "\"RowenaK \" " <RowenaK@stanleychao.com>
SUBJECT: Re:Expedite I-485 (WAC-01-264-59462)

This is to inform you that the I-485 in question is still pending. The reason that it is still pending is that USCIS is awaiting NAME CHECK results from the FBI. It may have been a long time since we sent the name, but USCIS has no control of the time it takes. We apologize for the delay

Thank You
James A Williams
Center Adjudications Officer
Div XII, California Service Center

Reply Separator

Subject: Expedite I-485 (WAC-01-264-59462)
Author: "RowenaK " <SMTP:RowenaK@stanleychao.com>
Date: 6/24/05 6:42 PM

Name of Individual making inquiry: Stanley Chao
Relationship to the application: Attorney of Record

Phone: (408) 297-2297
Fax: (408) 297-6956
E-mail: rowenak@stanleychao.com

WAC or A file: WAC-01-264-59462 (A79 527 897)
Form type: I-485
Name of Applicant: YANG, Jui-Ning

The I-485 application for the principal has been approved on June 7, 2004. However, the above-mentioned I-485 (for derivative child) remains pending to date.

In light of the retrogression of visa numbers for EB3 category in July 2005, we would appreciate it if the Service could kindly expedite on the processing of this application.

Thank you very much for your assistance.